

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

|                                 |             |   |                     |
|---------------------------------|-------------|---|---------------------|
| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|



|          |
|----------|
| EXAMINER |
|----------|

|          |       |
|----------|-------|
| ART UNIT | PAPER |
|----------|-------|

1203

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne R. Kubelik whose telephone number is (703) 308-5059, which sometime in January will change to (571) 272-0801. The examiner can normally be reached on Monday through Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson, can be reached at (703) 308-4310. The fax number for the organization where this application or proceeding is assigned is (703) 306-3218.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.



50431/PPDUSPCT

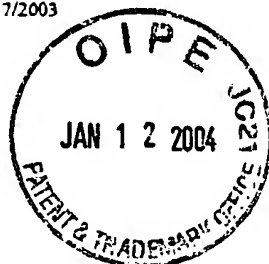
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/019,823      | 06/12/2002  | Jonathan Griffin     | SYN-128             | 9917             |

7590  
 Colleen Superko  
 Hale & Dorr  
 60 State Street  
 Boston, MA 02109

12/17/2003



HALE AND DORR LLP

DEC 22 2003  
 DOCKET  
 DEPT.  
 INTELLECTUAL PROPERTY  
 DEPARTMENT

EXAMINER

KUBELIK, ANNE R

ART UNIT PAPER NUMBER

1638

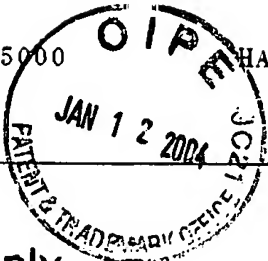
DATE MAILED: 12/17/2003

Due: January 17, 2004.

Please find below and/or attached an Office communication concerning this application or proceeding. *cb*

copy to Lee

HALE & DORR DOCKETING  
 RE: 109846.298 US/  
 Action Date: TRANSFERRED  
 Action to be taken: NOTE  
 Docketed By: BNB On: 12-22-03

**Notice to Comply**

Application No.

10/019,823

Examiner

Anne R. Kubelik

Applicant(s)

GRIFFIN ET AL.

Art Unit

1638

# **NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: CRF DOES NOT MATCH APPLICATION SPECIFICATION

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**



Syngenta  
Patent and Trademark Dept.  
3054 Cornwallis Road  
Research Triangle Park,  
North Carolina 27709-2257  
Tel (919) 597-3031  
Fax (919) 541-8689

22-Dec-03

**ATTN: Michael Lee**  
Syngenta Limited  
Jealott's Hill International Research  
Centre  
Bracknell  
GB-Berkshire RG42 6YA

Our Ref: 50431/PPDUSPCT

**DUE DATE:**

January 17, 2004

**RESPONSE DATE:**

**Re: Application of GRIFFIN ET AL.  
Case No. 50431/PPDUSPCT  
Application No. 10/019823**

**Ladies and Gentlemen:**

Enclosed are copies of the following:

**Filing Phase**

- ☐ Regular Application filed as a Priority Application
- ☐ Provisional Application filed as a Priority Application
- ☐ Petition to Convert Regular Application into a Provisional Application
- ☐ Regular Application Based On Provisional Application(s) and/or Foreign Application(s)
- ☐ CPA Transmittal Form .
- ☐ Continuation of Application No. \_\_\_\_\_
- ☐ Division of Application No. \_\_\_\_\_
- ☐ Continuation-in-part of Application No. \_\_\_\_\_
- ☐ Entry of PCT Application Into National Stage
- ☐ Official Filing Receipt (**Dated:** \_\_\_\_\_)
- ☐ Other Document(s)

**Prosecution Phase**

- ☐ Paper(s) received from the PTO - **Notice To Comply (Due Date: January 17, 2004)**
- ☐ Paper(s) sent to the PTO
- ☐ Other Document(s)


**Issuance**

- ☐ Notice of Allowance (**Dated:** \_\_\_\_\_)
- ☐ Issue Notification Form
- ☐ Patent (three soft copies)

**Miscellaneous**

- ☐ Notice of Abandonment (**Dated:** \_\_\_\_\_)
- ☐ Notice of Recordation of Assignment Document (**Recordation Date:** \_\_\_\_\_)
- ☐ Other Document(s)

Very truly yours,

  
Oksana Buynitzky